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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,542	03/15/2004	Lena L. Heidel	HPA-21702/04	1303
25006	7590	10/18/2005	EXAMINER	
GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C				GRAHAM, GARY K
PO BOX 7021				
TROY, MI 48007-7021				
ART UNIT		PAPER NUMBER		
		1744		

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/800,542	HEIDEL, LENA L.
	Examiner Gary K. Graham	Art Unit 1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 August 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 and 4-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1 and 4-13 is/are allowed.

6) Claim(s) 14-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay (US patent 6,055,695) in view of Suzuki (US patent 4,639,965).

The patent to McKay discloses the invention substantially as is claimed, including a lint roller holder assembly (fig.1) which is comprised of a plastic handle (15) formed of half handle sections (14) supporting plastic support cylinder (17) formed of half support cylinder sections (16). The support cylinder includes flexible fingers (34) thereon for entrapping lint roller (20). Pins (22) and sockets (26) are provided to hold the sections together.

The patent to McKay discloses all of the above recited subject matter with the exception of the handle being axial slidably mounted to the roller support for movement inside the support via slots on the roller support and outwardly extending guides on the handle.

The patent to Suzuki discloses a clothes cleaning device (fig.2) wherein the handle (4) is axially slidably mounted to the cleaning element support (3) for movement between extended and retracted positions. Locking means (12, 13) are provided to retain the handle in the extended position. Guide grooves (7) are provided on the handle for receipt of guides (8) on the support.

It would have been obvious to one of skill in the art to provide the handle of McKay as a separate component axially slidably mounted to the support element or roller support, as clearly suggested by Suzuki, to enable handle retraction and thus a compact size for storage or travel.

With respect to claims 14, while Suzuki shows the guide grooves on the handle and the guides on the support, to reverse such would have been an obvious variation to one of skill in the art. Mere reversal of the location of parts, absent some criticality of such change, does not appear of patentable significance. It would have been obvious to one of skill in the art, when modifying McKay, to reverse the location of the guide and guide groove, as a mere reversal of parts, to eliminate recesses on the handle that can collect debris.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKay (US patent 6,055,695) in view of Suzuki (US patent 4,639,965) and Kaye et al (US patent 2,883,692).

The patent to McKay discloses the invention substantially as is claimed, including a lint roller holder assembly (fig.1) which is comprised of a plastic handle (15) formed of half handle sections (14) supporting plastic support cylinder (17) formed of half support cylinder sections (16). The support cylinder includes flexible fingers (34) thereon for entrapping lint roller (20). Pins (22) and sockets (26) are provided to hold the sections together.

The patent to McKay discloses all of the above recited subject matter with the exception of the handle being axial slidably mounted to the roller support for movement inside the support and means for locking the handle in a retracted and extended position.

The patent to Suzuki discloses a clothes cleaning device (fig.2) wherein the handle (4) is axially slidably mounted to the cleaning element support (3) for movement between extended and retracted positions. Locking means (12, 13) are provided to retain the handle in the extended position. Guide grooves (7) are provided on the handle for receipt of guides (8) on the support.

The patent to Kaye discloses a brush (10) wherein the handle (16) is slidably mounted with the brush support portion (36). Kaye also discloses locking means (46) to lock the handle in an extended position and locking means (42) to lock the handle in a retracted position.

It would have been obvious to one of skill in the art to provide the handle of McKay as a separate component axially slidably mounted to the support element or roller support, as clearly suggested by Suzuki, to enable handle retraction and thus a compact size for storage or travel. It also would have been obvious to one of skill in the art to add additional locking means to hold the handle in a retracted position, as clearly suggested by Kaye, to prevent accidental extension. Just as it is desirable to prevent unwanted or inadvertent retraction of the handle, it would clearly be desirable to prevent unwanted or inadvertent extension of the handle.

### **Response to Arguments**

Applicant's arguments filed 04 August 2005 have been fully considered but are not persuasive. Applicant argues the McKay/Suzuki rejection by stating that he is not concerned with the accumulation of debris on the handle. While such may be true, it in no way makes improper the combination rejection. The fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. &

Inter. 1985). The Examiner has merely suggested one reason why one would reverse the location of the guides and slots suggested by Suzuki. As set forth above, providing guides on the handle instead of the grooves would remove an area that could collect debris and prevent proper sliding of the handle. Such is motivation for shifting the location of parts.

As set forth above, to provide additional locking means on the modified handle of McKay to lock the handle in a retracted position would be obvious as clearly suggested by Kaye. If it is desirable to lock the handle in the extended position, it would be just as desirable to lock the handle in the retracted position.

***Allowable Subject Matter***

Claims 1 and 4-13 are allowed.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary K Graham  
Primary Examiner  
Art Unit 1744

GKG  
16 October 2005